THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 19660 of 2007

Date:08-10-2007

Between:

Amarthaluri Jaya Rao

.. PETITIONER

AND

The District Collector, Guntur and two others

..

RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents in trying to dispossess him from Ac.0.37 cents of wet land situated in Sy.No.500/1 of Oleru village, Bhattiprolu mandal, Guntur District without any right, as illegal and arbitrary and consequently direct the respondents not to interfere with the possession of the petitioner from the said land.

It is stated that the petitioner is the absolute owner and possessor of the said property and when the third respondent made an attempt to dispossess him, he filed suit in O.S.No.79 of 2004 on the file of the Principal Junior Civil Judge, Repalle which was decreed in his favour on 7.05.2003 and thereafter, the respondents 2 and 3 are attempting to dispossess the petitioner.

There is no material whatsoever to state that the second respondent has dispossessed the petitioner without following any rules prescribed under law. Admittedly, the petitioner has not filed any representation before the authority concerned and in the absence of which, no writ of mandamus can be issued and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed with liberty to make a representation before the authority concerned. No costs.

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V.ESWARAIAH, J.

Date:08.10.2007.
ccm